

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

Civil Action No. 41-1395 (WCC)

~~PROPOSED~~
STIPULATION AND ORDER

In the matter of the Application for the
Determination of Reasonable License Fees for
Performances via Wireless and Internet
Transmissions by

MOBITV INC. f/k/a IDETIC, INC.

IT IS HEREBY STIPULATED AND AGREED, by and among the American Society of Composers, Authors and Publishers ("ASCAP") and MobiTV Inc. f/k/a Idetic, Inc. ("MobiTV") (collectively, the "Parties") that:

1. The Parties have completed all service of any fact discovery, but acknowledge that the completion of noticed discovery and follow-up concerning same will continue. Whereas certain items need to be completed before each side is prepared to serve its expert reports, the following schedule for expert reports shall apply.

2. On or before **June 1, 2009**, the Parties shall disclose their experts in accordance with Rule 26 of the Federal Rules of Civil Procedure;

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3. The Parties acknowledge that third party discovery is occurring in both this case and the AT&T and Verizon matters. ASCAP agrees that it will not argue that any request by MobiTV to obtain documents or materials produced pursuant to properly noticed third-party discovery for use in this case (or to participate in any depositions related to such discovery) is untimely, even if made subsequent to the date hereof; however, ASCAP reserves its rights to object to MobiTV's rights on grounds of irrelevance and/or burden;

4. Within seven (7) calendar days of the completion of the depositions and receipt of the transcripts of Paul Scanlan, Jeff Bartee and BMI, ASCAP shall serve any initial expert reports on MobiTV;

5. Within thirty (30) calendar days of the receipt of ASCAP's initial expert reports, MobiTV shall serve any initial or rebuttal expert reports on ASCAP, unless the depositions/document discovery of the publishers and labels noticed by MobiTV, if any go forward, have not been completed in which case the parties will agree to a reasonable extension;

6. Within twenty-one (21) calendar days of the receipt of MobiTV's initial expert reports, ASCAP shall serve any expert rebuttal reports on MobiTV;

7. Within fourteen (14) calendar days of the receipt of ASCAP's expert rebuttal reports, MobiTV shall serve any expert rebuttal reports on ASCAP;

8. The Parties shall complete expert discovery by **September 30, 2009**;

9. The Parties shall file any Court-approved dispositive motions on or before **October 15, 2009**; dispositive motion response briefs shall be filed by **November 5 2009**; and, dispositive motion reply briefs shall be filed by **November 13, 2009**;

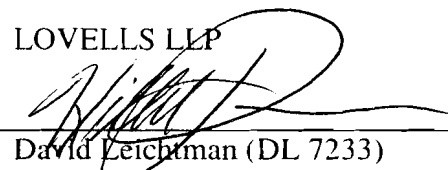
10. The Parties shall appear for a pretrial conference on **November 20, 2009**,
at 10:45 a.m.

Nothing in this Scheduling Order shall prevent either party from asking the Court to set additional dates or otherwise modify this Scheduling Order.

The parties, by their counsel, hereby consent to the foregoing Order:

Dated: New York, New York
May 20, 2009

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Dated: New York, New York
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May 19, 2009

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Attorneys for MobiTV, Inc.

SO ORDERED.

Dated: White Plains, New York
May 21, 2009



Sr. United States District Judge